IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 19TH OCTOBER 2006 / 27TH ASWINA 1928

Bail Appl..No. 5999 of 2006()

CMP.7645/2006 of J.M.F.C.-I,NEDUMANGAD
CRIME NO.340/2006 OF ARYANADU POLICE STATION.

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PETITIONER/ACCUSED:

RAJAN, S/O.RAMASWAMI ACHARI,
ARAVIND BHAVAN, WARD NO.XIII/435,
PARANDODU, PARANADODU (PO),
THATTANVILAKOM, KOTTAKKAKOM MURI,
ARAYANADU VILLAGE, NEDUMANGAD.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS:

STATE OF KERALA, REPRESETNED BY THE
PUBLIC PROSECUTOR, HIGH COUT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 5999 of 2006

Dated this the 19th October, 2006.

O R D E R

Petitioner is before this Court under Section 439 Cr.P.C. for bail, as he is accused of the offence punishable under Section 376 IPC, in Crime No.340/2006 of Aryanadu Police Station. The prosecution alleges that the petitioner, a 46 year old married man having children, have committed rape on a Deaf and Dump girl of 17 years. She was thus impregnated and she delivered a child. Though the occurrence took place in the month of August 2005, crime was registered in September, 2006, three months after the delivery of the child. The girl was interrogated with the help of an expert, who could decipher the language of a Deaf and Dump. The victim stated that it was the petitioner who committed rape on her. Petitioner remains in judicial custody from 16.9.2006 onwards.

2. Heard both sides. The prosecution submits that the medical examination of the petitioner is complete, and the Investigation has progressed much. The prosecution further submitted that the Magistrate was approached by the Investigating Officer, and permission has been granted to conduct the DNA test of the victim, the child and the petitioner. In such circumstances, I find that the petitioner could be released on bail, but with conditions.

3. In the result, I allow this application, grant bail to the petitioner and release him from jail, subject to the following conditions:-

i) The petitioner shall execute a bond for Rs.25,000/= (Rupees Twenty Five Thousand only) with two solvent sureties, each for the like sum, to the satisfaction of the Judicial First Class Magistrate Court-I, Nedumangadu.

ii) The petitioner shall report before the Investigating Officer, once in a week, on every Wednesday, between 10 and 11 a.m., starting from 25.10.2006, for a period of three months, and, thereafter, on the first working day of every month, between the same timings, till the completion of the trial and final disposal of the case.

iii) The petitioner shall not interfere with the investigation, tamper with the materials so far collected by the Investigating Officer, threaten or influence the witnesses, or cause any hindrance to the smooth conduct of the case.

iv) The petitioner shall not leave the State of Kerala, till the final trial and disposal of the case.

J.M. JAMES,
JUDGE

nj.